

THURSDAY, FEBRUARY 26, 2015

The following action minutes are listed as they were acted upon by the Planning Commission and as listed on the agenda for the Regular Meeting of February 26, 2015 together with the maps and staff reports attached thereto and incorporated therein by reference.

HEARINGS ARE ADVERTISED FOR 9:00 A.M. HEARINGS GENERALLY PROCEED IN THE ORDER LISTED, UNLESS CHANGED BY THE PLANNING COMMISSION AT THE MEETING. (08:58 AM)

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ROLL CALL (08:58 AM)

PRESENT: Commissioner(s) Don Campbell, Eric Meyer, Jim Harrison, Jim Irving, and Ken Topping.

ABSENT:

8. Continued hearing to consider a request by the COUNTY OF SAN LUIS OBISPO to amend portions of the following documents in order to encourage the development of certain renewable energy projects in the most suitable locations in unincorporated inland areas of the county through a Renewable Energy Streamlining Program (RESP): 1) Framework for Planning (Inland), Part I of the Land Use and Circulations Elements (LUCE) of the County General Plan; 2) the Carrizo, North County, San Luis Obispo, and South County Area Plans, Part II of the LUCE; 3) the Official Maps, Part IV of the LUCE; 4) the Conservation and Open Space Element of the County General Plan; 5) the Land Use Ordinance, Title 22 of the County Code; and 6) the Rules of Procedure to Implement the California Land Conservation Act of 1965. CONTINUED FROM 1/22/15 & 2/5/15. County File Number: LRP2014-00015 Assessor Parcel Number(s): N/A Supervisorial District: All Authorized for Processing: July 9, 2013 Project Manager: James Caruso Recommendation: Approval (09:22 AM)

James Caruso, Project Manager: provides a Power Point presentation of the issues which are going to be discussed today.

Jim Irving: would like the 19 questions addressed in the supplemental staff report and then continue on with Pg. 16.

Commissioners: begin deliberating questions 1 and 2 on the supplemental staff report.

Commissioners: have no comments on question 4 in term of mega watts goals.

Jim Irving: asks what the names for Table 2 are as they are missing with Mr. Caruso responding.

Commissioners: discuss question 5.

Ken Topping: begins with question 6 regarding constraints and performance standards - especially in terms of application to tier standards with Mr. Caruso responding.

Eric Meyer: would like the term "grubbing" defined with Mr. Caruso providing definitions.

Eric Meyer: would like further definition of "grubbing". Commissioners Irving and Meyer: each would like language further defined with Mr. Caruso providing reasoning for use. Eric Meyer: reads into the record the definition of "grubbing" from Google.

Commissioners: move on to question 7.

Jim Irving: discusses the definition of highly productive in terms of renewable energy such as solar on range land with Mr. Caruso responding.

Commissioners: have no comments on question 7.

Eric Meyer: reads from Pg. 8 of 64 in terms of buffers, with Mr. Caruso explaining this refers to large ground mounted facilities.

Ken Topping: asks if we will be going through the Land Use Ordinance (LUO) revisions today. Explains why the Commission is breaking down the aspects in this subject and provides a timeline for questioning.

Commissioners: discuss questions 8 and 9, in terms noticing and public hearings.

Commissioners: begin discussing questions 9 and 10 with staff responding.

Jim Irving: referring to question 12, would like to know about noticing and contact to advisory groups with Mr. Caruso responding.

Commissioners: begin review of questions 11 and 12.

Ken Topping: asks about postings to the website of zoning maps for the RESP in terms of not having gone to the Board of Supervisors (BOS) beforehand with the RESP.

Trevor Keith, staff: explains department policy on availability of maps.

Commissioners: begin discussion of question 13, 14, and 15. James Caruso, Project Manager: addresses answer to question 15 in terms of how long it takes to process a site plan reviews and minor use permits.

Commissioners; move on to question 16, 17.

Jim Irving: referring to question 18, noticing -would like the noticing process explained step by step, especially in terms of appeals should a recipient of a notice not agree with the application, how would they appeal, with Mr. Caruso responding.

Commissioners: end questions discussion with question 18.

James Caruso, Project Manager: addresses Alternatives to the Proposed RESP on Pg. 13 of the supplemental staff report.

Commissioners: begin discussing Attachment 4, Pg. 16 of 64 from the supplemental staff report.

Jim Irving: comments on ratios -suggests a 1 to 1 ratio with agreement by all for item b. (1).

Jim Irving: Pg. 16, item c. in terms of the Ag. Dept. valuating criteria relating to the intensity and suitability.

Commissioners: deliberate item c.

Commissioners and staff: deliberate identifying antiquated subdivisions.

Commissioners: continue discussing Pg. 16. d. in terms of the Williamson Act preserve status with Mr. Caruso responding.

Commissioners: begin review of Pg. 17, number 10. -Screening Requirements.

Ken Topping: would like the definition of "maximum extent feasible" further explained with Mr. Caruso clarifying.

Ken Topping: opens Public Comment.

Eric Greening -comments on impact summary tables; Marti Rutherford, Bill Wycott (Native Plant Society); Tim LaSalle; and David Chipping (Center for Natural Biological Resources): speak.

Jim Irving: discusses Mr. LaSalle's letter and asks about range lands in terms of dusting with compost. Comments on perennials and how this relates to a carbon sink with Mr. LaSalle responding. Comments on cover crops in terms of planting being valuable instead of leaving the land fallow with Mr. LaSalle responding.

Commissioners: begin with Pg. 17 of 64, Section 11.

James Caruso, Project Manager: comments on Section 14 and moves on to Section 15.

Eric Meyer: referring to Section 14 provides suggested language for the last sentence to add "...or 25 percent of the area of the open space parcel" with Mr. Caruso responding.

James Caruso, Project Manager: begins with Chapter 22.32 Generating Facilities and explains changes made.

Jim Irving: referencing Pg. 19, 2. b. -would like clarification of requirement of a land use permit for certain criteria in terms of accessory facilities with Ms. Jennifer Venema responding.

James Caruso, Project Manager: further provides reasoning for accessory renewable energy facility, with Mr. Irving suggesting number 7 should be deleted with Mr. Caruso referencing number 8 as an explanation.

Jim Irving: suggests ordering these points in a more logical manner.

James Caruso, Project Manager: continues on with Section 19, permit requirements for non renewable energy generating facilities.

Jim Irving: suggests cross referencing Section 27 in Land Use Ordinance (LUO) with Mr. Caruso agreeing.

Eric Meyer: discusses style of land use ordinance documents in terms of section breaks between pages with Mr. Caruso responding this section will be formatted with chapter breaks.

Jim Irving: referring to Table on Pg. 21, comments on tiers and reasoning for changes made with Mr. Caruso responding.

James Caruso, Project Manager: changes Pg. 22 of 64 (7) 1. change 20 acres to 10 acres as well as Pg. 23, and states this change will be incorporated throughout the document as per the Agricultural Preserve Review Committee (APRC) recommendation.

Eric Meyer: suggests the Project Manager calls out a page number to review rather than going through page by page with all commissioners in agreement.

Commissioners: begin by referring to Pg. 28 in reference to bonding with Mr. Caruso responding.

James Caruso, Project Manager: continues with Pg. 30.

Trevor Keith, staff: explains the process for biological resource studies for Minor Use Permits (MUPS) and for Conditional Use Permits (CUPS). Further explains botanical studies in terms of catching species during bloom and how they are tracked.

Jim Irving: discusses Kit Fox mapping area boundaries and how mapping is revised to current standards with Mr. Keith responding.

Don Campbell: refers to Pg. 30 and comments on abandonment.

James Caruso, Project Manager: moves on to Pg, 31, 32, 33 and 34.

Eric Meyer: referencing Pg. 34 in terms of minimum setbacks -would like further delineation to add "ground mounted" in order to avoid confusion with Mr. Caruso agreeing to this suggestion.

James Caruso, Project Manager; moves on to Pg. 36, 37 noting ratios will be changed from 3-1, to 1-1. Moves on to Pg. 38, 39, 40, and 41. Explains Fish & Game inclusion of hollow vertical structures. No comments on any pages up to Pg. 46. Discusses Pg. 46, limited land uses. Moves through Pages, 47-58. Sums up where the performance standards list is and refers to Pg. 5, Item 6.

Ken Topping: would like to know how the department will communicate this program to the public and suggests cross referencing the ordinance for people to see what self enforcing aspects are built into the program with Mr. Caruso responding and explaining the process.

James Caruso, Project Manager: states cross references to the ordinance will be included into the guide.

James Caruso, Project Manager: continues on with Attachment 3 changes and corrections.

Terry Wahler, staff: explains Attachment 5, Exhibit E and changes to the Rules of Procedure.

Commissioners: discuss 40 acre minimum parcel size in Williamson Act.

Terry Wahler, staff: reports differences in language referencing energy facilities to be incorporated into the land use ordinance (LUO). Moves on to the amendments to the rules of procedure, Exhibit E. Discusses the Assessor's Office wish to monitor lease site values included as part of the review process application.

Jim Irving: references Appendix E, letters e, f, g, and h in terms of renewable energy facility (REF) minimum of 320 acres. Provides scenario using i. and k. in reference to requirement of a Minor Use Permit (MUP). Feels 10 acres will not interfere with prime soils.

Terry Wahler, staff: explains current qualification standards in terms of non renewal process for preserve status and the APRC recommendations to the Planning Commission.

Jim Irving: continues to feel a 10 acre streamlined facility on a 320 acre parcel is unnecessary.

Terry Wahler, staff: provides information on how the implications of the RESP to Williamson Act properties effect property tax assessments.

James Caruso, Project Manager: Discusses proposed revisions and notification to property owners beginning with noticing the surrounding 300 feet of the parcel.

James Caruso, Project Manager: reads into the record requirement by the applicant to submit a notice of application. Explains definition and criteria for tiers 1, 2, and 3.

Commissioners: reach consensus for Tiers 1 and 2 reduction to a 40 acre cap for streamlining purposes.

James Caruso, Project Manager: continues on with Attachment 4, number 2. Biological Reports. Discusses language to be added such as "...and other organizations e.g. Ca. Native Plant Society" as an example of a referring agency.

Commissioners: would like a time limit set on review/response of a biological report with Mr. Caruso stating there is a 30 day limit.

Ken Topping: would like to know if other Commissioners have other revisions with Commissioners nodding in the affirmative.

Eric Meyer: would like a definition that better describes "grubbing" with Commissioners providing different scenarios for grubbing.

Whitney McDonald, County Counsel: reports the Civil Code states that cities and counties are not allowed to require conservation easements as conditions of approval and this proposed ordinance language uses the phrase 'conservation easement'. This is typically interpreted as

requiring an open space easement which is something that can be conditioned for a project to provide. The Open Space Easement Act allows the county to do. States staff will change the phrase 'Conservation Easement' for 'Open Space easement' so we do not violate the Civil Code.

Jim Irving: verifies counsel is referring to the 1-1 ratio and provides a scenario for an open space easement requirement for a 1-1 acreage basis. Would like clarification on how restrictive an open space easement is in terms of the type of uses that are allowed, with Ms. McDonald providing reasoning.

Commissioners: would like this alternative choice of a conservation easement written into the Land Use Ordinance (LUO).

Commissioners: deliberate going through the EIR to address public comments made about the Commission being unable to certify the EIR.

Ken Topping: has concerns and would like to see the language as suggested and the maps and would like today's decision to be tentative.

Trevor Keith, staff: states that suggestion would move the Board of Supervisors adoption out to May. Suggests the meeting go into recess to allow staff to incorporate changes and revisions to allow the Commission to review the document.

Ken Topping: recesses the meeting to allow staff time to work on changes to the document.

James Caruso, Project Manager: overviews language developed for Attachment 4, Exhibit D, Section 22.62.040 Site Plan Review new 4. i. and ii. Explains there are no longer Tiers 3 and 4 and shows language changes for this.

Whitney McDonald, County Counsel: overviews legal standard for recommendation of certification of the EIR when forwarded to the Board of Supervisors (BOS). Explains substantial evidence of conclusion. States it is up to the Commission and BOS whether the EIR sufficiently analyzes biological impacts.

Commissioners: begin deliberating public comment in terms of whether the EIR has analyzed biological and other impacts.

Whitney McDonald, County Counsel: discusses the Commission's recommendation to the Board of Supervisors in terms of the test for potential increases to impacting resources. States the Commission has already made changes to the document which will reduce this potential.

Jim Irving: would like to know if the Statement Of Over Riding Considerations reflects the recommendation with Mr. Bob Stark responding.

Commissioners: agree to recommend certification of the EIR.

James Caruso, Project Manager: over views changes made today in regards to the conservation easements and open space discussions.

Jim Irving: referencing Attachment 4, Exhibit D, regarding language for open space easements being conservation easements in terms of interpretation of such.

James Caruso, Project Manager: reads into the record new 4. i. ii for Attachment 4, Exhibit D.

Jim Irving: discusses the Findings of Fact in terms of the changes made at today's hearing.

Whitney McDonald, County Counsel: explains procedurally how to modify the Findings of Fact and the Statement of Over Riding Consideration.

Commissioners: agree to let staff make the changes to the finding of fact after the hearing and before BOS hearing.

Commissioners: commiserate on the decision process for this item. Deliberate a recommendation to the BOS with regard sequestration and car to carbon, composting.....look at LaSalle's letter for language.

Thereafter, on motion of Eric Meyer, seconded by Ken Topping, and on the following vote:

AYES: Commissioner(s) Eric Meyer, Ken Topping, Don Campbell, Jim Harrison, Jim Irving.

NOES: None.

ABSENT: None.

The Commission recommends the Board of Supervisors certify the EIR and approve General Plan Amendment and Ordinance Amendment LRP2014-00015 as shown in Exhibits LRP2014-00015:C, LRP2014-00015:D and LRP2014-00015:E based on the findings listed in Exhibits LRP2014-00015:A and LRP2014-00015:B, to be modified to reflect the actions and discussion of the Planning Commission during the course of this hearing.

Thereafter, on motion of Don Campbell, seconded by Eric Meyer, and on the following vote:

AYES: Commissioner(s) Don Campbell, Eric Meyer, Jim Harrison, Jim Irving, Ken Topping.

NOES: None.

ABSENT: None.

The Commission authorizes Chairman Topping to work with Trevor Keith and James Caruso to work together to develop a recommendation to the Board of Supervisors requesting the Planning and Building Department research Carbon Sequestration as a process which should be vigorously pursued through the agricultural community.

Thereafter, on motion of Don Campbell, seconded by Jim Irving, and on the following vote:

AYES: Commissioner(s) Don Campbell, Jim Irving, Eric Meyer, Jim Harrison, Ken Topping.

NOES: None.

ABSENT: None.

Respectfully submitted,
Ramona Hedges, Secretary
SLO County Planning Commission